

PATENT
Docket No. 53788US011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHIA-TIE HO and CLARENCE
FULLBRIGHT, JR.

Serial No.: 09/710,036
Filed: November 10, 2000

For: A FLEXIBLE POLYURETHANE
MATERIAL

Group Art Unit: 1711

Examiner: J. Cooney

PETITION TO WITHDRAW APPLICATION FROM ISSUE
PURSUANT TO 37 C.F.R. §1.313(c)(2)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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OFFICE OF PETITIONS

Applicants hereby petition that the captioned United States patent application be withdrawn from issue under 37 C.F.R. §1.313(c)(2), if it is considered necessary to permit the filing of a Request for Continuing Examination application for purposes of submitting an Information Disclosure Statement under 37 C.F.R. §1.97 and for adding a new independent claim.

This Petition is presented, in part, because the document submitted with the attached Information Disclosure Statement recently came to the attention of Applicants' undersigned attorney. This document was cited in a written opinion during prosecution, but not the International Search Report, for the PCT application corresponding to the above referenced U.S. patent application. This document was inadvertently not included in the previously submitted Information Disclosure Statement. Applicants wish to file a Request for

Continued Examination to permit the Examiner to determine the impact, if any, of the enclosed document on the allowed claims.

On 16 August 2002, Applicants submitted a Petition for Withdrawal of Holding of Abandonment Based on Failure to Receive Notice of Allowance or, in the alternative, a Petition to Accept Late Payment of Issue Fee under 37 C.F.R. § 1.137(a). A copy of these petitions is provided herewithin.

If the Petition for Withdrawal of Holding of Abandonment Based on Failure to Receive Notice of Allowance has been granted but the issue fee has not been paid (i.e., the Petition to Accept Late Payment of Issue Fee has not been granted), please disregard this Petition to Withdraw Application from Issuance and enter the concurrently filed Request for Continued Examination under C.F.R. § 1.114.

If the Petition for Withdrawal of Holding of Abandonment Based on Failure to Receive Notice of Allowance has been granted and the issue fee has been paid (i.e., the Petition to Accept Late Payment of the Issue Fee has been granted), please grant the present Petition to Withdraw Application from Issuance and also enter the concurrently filed Request for Continued Examination under C.F.R. § 1.114.

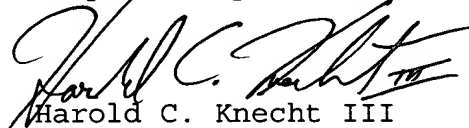
If the Petition for Withdrawal of Holding of Abandonment Based on Failure to Receive Notice of Allowance was denied but the Petition to Accept Late Payment of Issue Fee under 37 C.F.R. § 1.137(a) has been granted (i.e., the issue fee has been paid), please grant the present Petition to Withdraw Application from Issuance

and also enter the concurrently filed Request for Continued Examination under C.F.R. § 1.114.

The requisite filing papers and fee for filing a Request for Continued Examination application under 37 C.F.R. §1.114 are enclosed herewith. Also enclosed is an Information Disclosure Statement under 37 C.F.R. §1.97 and an Amendment, which Applicants request be entered with the Request for Continued Examination.

Authorization is hereby provided to charge any fee required in connection with this paper, including the amount of \$130.00 in payment of any necessary petition fee required under 37 C.F.R. §1.17(h), to Deposit Account No. 13-3723.

Respectfully submitted,



Harold C. Knecht III
Registration No. 35,375
Attorney for Applicants

JAL:jlh\53788US011 Withdraw from Issue Petition
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone (651) 575-1056
Facsimile (651) 736-3833

Dated:

9/6/02

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EXPRESS MAIL CERTIFICATE

For: Petition to Withdraw Application from Issue Pursuant to 37 C.F.R. 1.313(c)(2) (3 pgs.) with attachment of a copy of a Petition for Withdrawal of Holding of Abandonment Based on Failure to Received Notice of Allowance or Petition to Accept Late Payment of Issue Fee Under 37 C.F.R. 1.137(A) (2 pgs.) w/copies of attachments of docket history (1 pg.), Office Action of 1/30/01 (2 pgs.), Notice of Allowance of 8/14/01 (3 pgs.), Notice of Abandonment of 4/4/02 (2 pgs.), completed Part B Issue Fee Transmittal (1 pg.) and copy of the postcard for transmitting these attachments to the PTO; Request for Continued Examination (RCE) Transmittal (1 pg.); Amendment (2 pgs.); Information Disclosure Statement (1 pg.) w/PTO 1449 form (1 pg.) and 1 reference and postcard

"Express Mail" mailing label number EL658355318US
Date of Deposit September 6, 2002

I hereby certify that this paper or fee is being
deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above and
is addressed to the Commissioner for Patents
Washington, D.C. 20231.

Judy L. Hansen
(Typed or printed name mailing paper or fee)

Judy L. Hansen
(Signature of person mailing paper or fee)